

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

## IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION

: Master File No. 12-md-02311  
Honorable Marianne O. Battani

In Re: All Auto Parts Cases

: 2:12-md-02311-MOB-MKM

THIS DOCUMENT RELATES TO:

## All Dealership Actions

**DEALERHIP PLAINTIFFS' EX PARTE MOTION FOR LEAVE  
TO FILE A MEMORANDUM NOT TO EXCEED 49 PAGES  
IN SUPPORT OF THEIR MOTION FOR PROTECTIVE ORDER**

Pursuant to Local Rule 7.1(a)(3), Dealership Plaintiffs submit this *Ex Parte* Motion for Leave to File a Memorandum Not to Exceed 49 Pages in Support of Their Motion for Protective Order as to Dealership Plaintiffs' Depositions. The Dealership Plaintiffs seek leave to file a memorandum of up to 49 pages (in 12 point font).

In support of their motion for leave to file a memorandum not to exceed 49 pages, the Dealership Plaintiffs state as follows:

1. Local Rule 7.1(d)(3) provides for a 25-page limit in the opening brief. Judge Battani's Practice Guidelines provide for a 20-page limit when 12 point font is used.
2. Dealership Plaintiffs' Memorandum provides detailed legal and factual analysis in support of their motion seeking a protective order imposing reasonable limitations on depositions noticed by Defendants and seeking protection from Defendants' Interrogatories. Because there are a significant number of topics noticed by Defendants, including 14 main topics and over 20 sub-parts of the main topics, extra pages sought are necessary for Dealership Plaintiffs to fully and accurately brief the Master on the numerous issues in this Motion.
3. Dealership Plaintiffs attempted to limit the pages of their Memorandum of Law without sacrificing clarity and/or its ability to address the factual and legal issue supporting their motion. However, due to the number of factual and legal issues needing to be addressed, Dealership Plaintiffs need 49 pages in order to cogently and completely place the relevant factual and legal issues before this Court.
4. Indeed, Plaintiffs' Motion for Protective Order, addressing certain issues before the Master for the first time in this Litigation, is shorter than Defendants' 85-page long Motions to Dismiss, briefing issues that have been briefed before in this Litigation.

5. The Court the Master have shown a willingness to extend page length when necessary to fully address the relevant issues.

6. Plaintiffs are willing to agree to a commensurate page extension for Defendants.

7. Defendants themselves have sought and obtained consensus from Dealership Plaintiffs to file 85-page motions to dismiss in this MDL. *See, e.g.*, Modified Stipulation And Order Regarding Motions To Dismiss, 2:13-cv-00902, ECF No. 54; Stipulation And Order Regarding Motions To Dismiss, 2:13-cv-01702, ECF No. 37.

8. Dealership Plaintiffs have sought but have not obtained consent for their request.

9. Courts frequently permit parties to exceed page limitations where doing so does not prejudice the opposing party. *See, e.g., Ashland, Inc. v. Windward Petroleum, Inc.*, Civil Action No. 04-554-JBC, 2006 U.S. Dist. LEXIS 49709, at \* 12 (E.D. Mich. July 11, 2006). Allowing Dealership Plaintiffs to exceed the page limitation by the excess pages sought would not prejudice Defendants. Dealership Plaintiffs are agreeable to a similar extension for Defendants' responsive brief. On the other hand, Dealership Plaintiffs would be unfairly prejudiced if they were unable to fully brief the Court on the numerous factual and legal issues involved in this important motion.

10. Due to the extreme importance of the issues, as well as the rights and burdens at play, Plaintiffs believe that it is imperative that they be permitted to fully set forth their position to the Master.

For the reasons set forth above, Dealership Plaintiffs respectfully request that the Master enter an Order granting Dealership Plaintiffs' *Ex Parte* Motion for Leave to File a Memorandum Not to Exceed 49 Pages.

Date: November 24, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 24, 2015 I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send electronic notices of same to all counsel of record.

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